

AMENDMENTS TO DRAWINGS

Figures 1, 2 and 3 have been modified in the following manner:

Reference numbers for raising section 58 of cable 53, and lowering section 59 of cable 53, have been added.

Remarks

With respect to the Examiner's rejection of claims 1, 2 and 5-7 under 35 USC 102(b) as being anticipated by Chrisley:

Claim 1 and claim 6 of the Atkins application describe the following element:

"the platform in the raised position being fully supported by the legs without any support from the lifter". This element is further emphasized in para. 1, 23, 25, 39, 41, and 42 of the specification.

Claims 2 and 5 depend from claim 1, claim 7 depends from claim 6, therefore all claims contain the element.

The Chrisley invention does not disclose, anticipate nor suggest – and in fact teaches away from - the fully supported raised position limitation of the Atkins invention. The Chrisley invention stipulates that a full supported raised condition can never be attained. The Chrisley written description, column 2, lines 38-40, states:

"The mobile platform embodiment allows the shelter to be maneuvered to a desired height by the release or retrieval of cable wiring held in tension."

(emphasis added)The design of the Chrisley invention requires that the cable must be held in tension at all times in order to provide control over the height of the shelter.

The Chrisley written description, column 6, lines 53-58, further states:

"At all positions FR, I, or FL, the cable crank 74 desirably maintains tension in the cable. Supported by braces 70, the horizontal stabilizer bar 80 provides additional support in addition to the tension in the cable 76 to maintain the mobile platform in the fully raised position."

At all positions, the Chrisley invention depends on the cable crank and the cable to provide the necessary tension to offset the force of gravity pulling downward on the platform. The Chrisley invention requires that the platform never reach the condition

where the platform is fully supported by the legs, and furthermore teaches away from the fully supported platform limitation of the Atkins invention.

Claims 1,2, and 5-7 of the Atkins invention are not unpatentable under 35 U.S.C. 102(b) due to anticipation by Chrisley.

Claims 1 and 6 of the Atkins application describes the following elements:

“the lifter in use providing raising energy for moving the platform to a raised position;

the platform in the raised position being fully supported by the legs without any support from the lifter;

the platform requiring lowering energy to move from the raised position; and

the lifter in use providing lowering energy for moving the platform from the raised position”.

Claims 1 and 5 depend from claim 1, claim 7 depends from claim 6, therefore all claims contain the elements.

These elements clearly describe a lifter that is necessarily capable of moving the platform to the raised position, the platform in the raised position being fully supported by the legs without any support from the lifter. Furthermore, the lifter must have the capability of moving the platform away from the raised position.

The Chrisley invention provides a winch for moving the platform. The Chrisley winch is a typical winch with a single rope or cable and is capable of applying force, in the form of tension in the rope or cable, in a direction sufficient to resist the force of gravity pulling downwards on the platform. A rope or cable is a tension-bearing member.

However, as required by the Atkins application, the platform in the raised position is fully supported by the legs without any support from the winch. Therefore, if the Chrisley invention is to meet the fully supported platform limitation, the rope or cable of the Chrisley invention must be slack when the platform is in the raised

position. Reversing the direction of the winch of the Chrisley invention cannot provide “lowering energy for moving the platform from the raised position.” One cannot apply force by pushing on the end of a rope or cable as depicted in the Chrisley invention. The winch of the Chrisley invention is not capable of meeting the limitation of “providing lowering energy for moving the platform from the raised position.”

For the reasons stated above, claims 1,2, and 5-7 of the Atkins invention are not unpatentable under 35 U.S.C. 102(b) due to anticipation by Chrisley.

With respect to the Examiner’s rejection of claims 1, 2 and 4-7 under 35 USC 102(b) as being anticipated by Pettis:

The Pettis invention discloses a winch similar in function and capability to that disclosed by Chrisley. Therefore, the arguments above relating to the fully supported platform limitation and the lifter capability for moving the platform both to and from the raised position provided by the Atkins application apply equally to the Pettis invention.

For the reasons stated above, claims 1,2 and 4-7 are not unpatentable under 35 U.S.C. 102(b) due to anticipation by Pettis.

With respect to the Examiner’s rejection of claims 1, 3-6 and 8 under 35 U.S.C. 102(e) as anticipated by Spencer et al:

The Spencer et al invention discloses a winch similar in function and capability to that disclosed by Chrisley. Therefore, the arguments above relating to the fully supported platform limitation and the lifter capability for moving the platform both to and from the raised position provided by the Atkins application apply equally to the Spencer et al invention.

Furthermore, claims 1 and 6 of the Atkins application contains the following limitation:

“a front leg connecting the platform to the trailer,
the front leg being pivotally connected to a first platform point,

the front leg being pivotally connected to a first trailer point;
a rear leg connecting the platform to the trailer,
the rear leg being pivotally connected to a second platform point,
the rear leg being pivotally connected to a second trailer point.”

Claims 3, 4, and 5 depend from claim 1; claim 8 depends from claim 6, therefore all claims contain the elements.

In the Spencer et al invention, the rear legs are pivotally connected to the vehicle but the front legs are not pivotally connected to the vehicle. The position of the Spencer et al invention as it travels between the lowered position and the raised position is significantly different from the Atkins invention.

The Atkins application shows a platform that remains substantially level throughout the range of positions between the raised position and the lowered position. As such, the Atkins invention provides a platform that can be utilized in the intermediate positions, can be occupied at the lowered position and then moved to the raised position while occupied, and can be moved between the lowered position and the raised position without disturbing the items and users on the platform.

The Spencer et al invention, due to the different attachment points of the legs to the platform and the trailer, is only usable as an elevated platform when it is in the raised position.

For the reasons stated above, claims 1, 3-6 and 8 are not unpatentable under 35 U.S.C. 102(e) as anticipated by Spencer et al.

With respect to the Examiner’s rejection of claim 4 under U.S.C. 103(a) as being unpatentable over Chrisley:

Claim 4 has been cancelled in the attached amendment.

With respect to the Examiner’s objection to the drawings under 37 CFR 1.83(a):

Claims 3 and 8 have been cancelled.